

Amendments to the Claims:

The following listing of claims will replace all prior versions of claim listings in this application.

Please amend claim 6 as indicated.

1. (original) A DNA fragment in which a translation termination codon is inserted into the 5' upstream side of an active site of a lethal gene.
2. (original) The DNA fragment according to claim 1, which has restriction enzyme cleavage sites in both terminal sides.
3. (previously presented) The DNA fragment according to claim 2, wherein one or at least two translation termination codons are inserted.
4. (previously presented) The DNA fragment according to claim 1, wherein the active site encodes a colicin-derived polypeptide.
5. (previously presented) The DNA fragment according to claim 1, wherein the active site comprises a nucleotide sequence encoding the amino acid sequence represented by SEQ ID NO: 18 or 19.
6. (currently amended) ~~[[A]]~~ The DNA fragment according to claim 1 ~~[[which comprises]]~~ comprising the nucleotide sequence represented by SEQ ID NO: 14.
7. (previously presented) The DNA fragment according to claims 1 or 6, wherein a neutralizing gene for the lethal gene is conjugated to the 3' downstream side of the active site of the lethal gene.
8. (original) The DNA fragment according to claim 7, wherein the nucleotide sequence of the neutralizing gene is represented by SEQ ID NO: 15.
9. (previously presented) A marker for transformant selection, which comprises the DNA fragment according to claim 1 or 6.
10. (original) The marker for transformant selection according to claim 9, wherein the transformant is obtained by transforming *Escherichia coli*.

11. (previously presented) A recombinant vector into which the DNA fragment according to claim 1 or 6 is inserted.

12. (Original) The recombinant vector according to claim 11, which is free of an expression promoter for the lethal gene.